

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TBS MIDDLE EAST CARRIERS, LTD., :  
 :  
 : **ECF**  
Plaintiff, : **AFFIDAVIT PURSUANT**  
 : **TO SUPPLEMENTAL**  
 : **RULE B**  
-against- : **08 Civ. 78 (AKH)**  
 :  
AL-KHALEJIA LOCAL FOR AGGREGATES, :  
 :  
 :  
Defendant. :  
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STATE OF NEW YORK )  
 ss.:  
COUNTY OF NEW YORK )

TULIO R. PRIETO, being duly sworn, deposes and  
says:

1. I am a member of the Bar of this Court and a member of the firm of Cardillo & Corbett, attorneys for the Plaintiff herein. I am familiar with the facts of this case and make this affidavit in support of Plaintiff's prayer for the issuance of a Writ of Maritime Attachment and Garnishment, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

2. I have attempted to locate defendant, AL-KHALEJIA LOCAL FOR AGGREGATES, within this District. As part of my investigation to locate the Defendant within this District, I examined the telephone company information directory, as well as the white and yellow pages of New York listed on the

Internet or World Wide Web, and did not find any listing for the Defendant.

3. The database of the office of the New York State Secretary of State was searched to determine if Defendant is qualified to do business in New York. The database shows no entry for AL-KHALEJIA LOCAL FOR AGGREGATES.

4. On information and belief, Defendant, AL-KHALEJIA LOCAL FOR AGGREGATES, was and still is, a foreign corporation, or other business entity, organized under, and existing by virtue of foreign law, with an address at Abraq Khaitan, Near National Bank - Zeena Commercial Complex, 5<sup>th</sup> Floor, Office No. 6, Kuwait City, Kuwait.

5. In consequence of these inquiries your deponent believes that the Defendant cannot be found within the Southern District of New York.

6. Upon information and belief, Defendant has, or will have during the pendency of this action, tangible and intangible property within the District in the hands of ABN Amro Bank NV, American Express Bank, Bank of America, Bank of Communications Co. Ltd. New York Branch, Bank of New York, Barclays Bank, BNP Paribas, Citibank, Deutsche Bank, HSBC (USA) Bank, J.P. Morgan Chase, Standard Chartered Bank, UBS AG and/or Wachovia Bank, in the form of accounts and/or fund transfers identified as follows:

- a) accounts in the name of AL-KHALEJIA LOCAL FOR AGGREGATES, or
- b) electronic funds transfers listing AL-KHALEJIA LOCAL FOR AGGREGATES as a beneficiary of the funds transfer, or
- c) electronic funds transfers showing AL-KHALEJIA LOCAL FOR AGGREGATES as the remitting party or ordering customer.

WHEREFORE, TBS MIDDLE EAST CARRIERS, LTD.

respectfully requests that the Court authorize the issuance of process in the form of a Writ of Maritime Attachment and Garnishment seeking attachment and garnishment of AL-KHALEJIA LOCAL FOR AGGREGATES, tangible and intangible property within this District.



TULIO R. PRIETO

Sworn to before me this  
4<sup>TH</sup> day of January, 2008

  
NOTARY PUBLIC

CHRISTOPHIL B. COSTAS  
Notary Public, State of New York  
No. 31-0773693  
Qualified in New York County  
Commission Expires April 30, 2011